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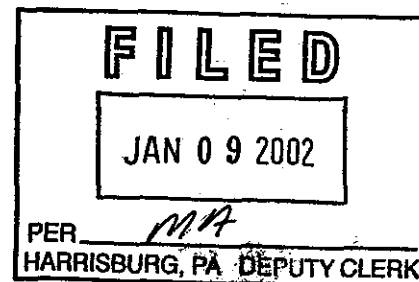
IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,  
Plaintiff

CIVIL NO. 1:CV-01-0041

v.

CORRECTIONS OFFICER CLARK,  
Defendant



ORDER

The background of this order is as follows:

On March 27, 2001, Defendant filed a motion to revoke Plaintiff's in forma pauperis status and to stay the proceedings. On April 10, 2001, Defendant filed a brief in support of that motion. Plaintiff requested and received extensions of time until September 24, 2001 to file a brief in opposition to the motion. Plaintiff did not file a brief in opposition to the motion.

On November 7, 2001, the magistrate judge issued an order revoking Plaintiff's in forma pauperis status. In that order he found Plaintiff's claim that he was in imminent danger of serious physical injury at the time he filed his complaint because he could be assaulted again and because he has a heart condition not to be consistent with the known facts. The order also directed Plaintiff to pay the full filing fee on or before November 27, 2001,

Certified from the record

Date 01-09-02

Mary E. D'Andrea, Clerk

Per [Signature]  
Deputy Clerk

and specifically advised him that failure to do so would result in a recommendation to this court that the case be dismissed.<sup>1</sup>

On December 10, 2001, the magistrate judge to whom this matter is referred filed a report which recommends that the captioned action be dismissed for Plaintiff's failure to pay the \$150 filing fee as ordered on November 7, 2001. Plaintiff has filed objections to the report and recommendation.<sup>2</sup>

In his objections Plaintiff recites the case history, reiterates old arguments, and claims that the magistrate judge relied on case law that was not controlling in the November 7, 2001 order. Plaintiff's arguments have no merit and will not be addressed.

Accordingly, **IT IS HEREBY ORDERED THAT:**

1) The court adopts the report and recommendation of Magistrate Judge Smyser.

2) The captioned action is dismissed for Plaintiff's failure to pay the filing fee.

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<sup>1</sup>The court notes that Plaintiff did not file an appeal from the Magistrate Judge's November 7, 2001 order.

<sup>2</sup>Plaintiff's objections were filed on January 7, 2002, but will be deemed timely filed for the purposes of this order.

3) It is certified that any appeal from this order will be deemed frivolous and not taken in good faith.

4) The Clerk of Court shall close the file.

  
SYLVIA H. RAMBO  
United States District Judge

Dated: January 9, 2002.

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

\* \* MAILING CERTIFICATE OF CLERK \* \*

Re: 1:01-cv-00041 Jae v. Lester

True and correct copies of the attached were mailed by the clerk  
to the following:

John Richard Jae BQ-3219  
SCI-PITTSBURGH  
P. O. Box 99901  
Pittsburgh, PA 15233

Michael J. McGovern, Esq.  
Pennsylvania Department of Corrections  
55 Utley Drive  
Camp Hill, PA 17011

cc:

Judge	(X )	Rambo	( )	Pro Se Law Clerk
Magistrate Judge	(X )	Smyser	( )	INS
U.S. Marshal	( )		( )	Jury Clerk
Probation	( )			
U.S. Attorney	( )			
Atty. for Deft.	( )			
Defendant	( )			
Warden	( )			
Bureau of Prisons	( )			
Ct Reporter	( )			
Ctroom Deputy	( )			
Orig-Security	(X )			
Other _____	( )			

MARY E. D'ANDREA, Clerk

DATE: January 9th, 2002

BY:

  
Deputy Clerk